

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
DECEMBER 14, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.

- * **2.3 Mayor Wasserman opened consideration to Reschedule Public Hearing (Published Notice) to Consider a General Vacation to Abandon a Portion of Thornton Avenue and Post Street in the Centerville Planning Area (PLN2009-00258) and If Approved to Authorize Conveyance of the Vacated Portion of the Street to Dale Hardware**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council directed the Clerk to reset public hearing to January 11, 2011 and directed staff to post and publish the notices of vacation as required by state law.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None

Abstain: Councilmember Harrison recused himself due to a conflict of interest related to a business relationship with Dale Hardware

*** 2.4 Mayor Wasserman opened consideration of Adoption of Two Resolutions Committing Funds and Authorizing the Execution of Highway-Railroad Crossing Safety Account (HRCSA) Grant Documents for the Warren Avenue and Kato Road Grade Separation Projects**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Adopted Resolution No. 2010-72 committing funds and authorizing the City Manager to execute the Highway-Railroad Crossing Safety Account (HRCSA) Project Baseline Agreement for the Warren Avenue Grade Separation Project.
2. Appropriated HRCSA grant funds of \$9,600,000 to 528PWC8074 for the Warren Avenue Grade Separation Project.
3. Adopted Resolution No. 2010-73 committing funds and authorizing the City Manager to execute the Highway-Railroad Crossing Safety Account (HRCSA) Project Baseline Agreement for the Kato Road Grade Separation Project.
4. Appropriated HRCSA grant funds of \$10,000,000 to 528PWC8697 for the Kato Road Grade Separation Project.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

*** 2.5 Mayor Wasserman opened consideration of Authorization for the City Manager to Execute Two FY 2010/11 Memoranda of Understanding with Alameda County Health Care Services Agency for the Medi-Cal Targeted Case Management Program**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to sign two Memoranda of Understanding to enable the City to receive reimbursement for family case management and senior case management services provided to Medi-Cal eligible clients as part of the FY 2010/11 Targeted Case Management program as described in the staff report.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Authorization for the City Manager to Execute a Memorandum of Understanding with the Alameda County Health Care**

Services Agency for Fremont Human Services FY 2010/11 Medi-Cal Administrative Activities

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to execute a Memorandum of Understanding with the Alameda County Health Care Services Agency to enable the City's Human Services Department to receive FY 2010/11 reimbursement of funds through Alameda County's Medi-Cal Administrative Activities Program, as described in the staff report.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval of Final Map, Improvement Agreements for Construction of Public Street (Durham Road) and Private Streets (Cassatt Common, Monet Terrace, Renoir Terrace, and Degas Terrace), and Dedication of Land and Public Easements for Tract 8040**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2010-74:

1. Approving the final map and the improvement plans for Tract 8040.
2. Approving the Agreement for Public Street Improvements entitled "Improvement Agreement Public Street Improvements Tract 8040", with the developer, Solstice Homes, LLC, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Street Improvements entitled "Improvement Agreement Private Street Improvements Tract 8040", with the developer, Solstice Homes, LLC, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer's offer of dedication of land, as identified on the final map, provided that the acceptance of the offer of dedication for any public streets shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.
5. Accepting and appropriating the developer's payment of \$32,000, the developer's contribution to modify the existing signalized intersection of Durham Road and I-680 Northbound Off-ramp, to project 502PWC8743.
6. Authorizing the City Manager or his designee to execute separate maintenance agreements with California Department of Transportation and with the developer as described herein.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

* **2.8 Mayor Wasserman opened consideration of Approval of an Eighth Amendment to the Professional Services Agreement with Abtahi Engineering Management Consultants for \$50,000 for On-Call Project Management Services for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project PWC 8156**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to execute Amendment Number Eight to the Service Agreement for Grade Separation Project Management Services with Abtahi Engineering Management Consultants in an amount not to exceed \$50,000.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

* **2.9 Mayor Wasserman opened consideration of Approval of Senior Center Food Services and Delivery Agreement with Sysco San Francisco, Inc.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to execute an agreement with Sysco San Francisco, Inc., for food service and delivery at the Fremont Senior Center, in an amount not to exceed \$115,000; and authorized the City Manager or designee to extend the contract for an additional year in an amount not to exceed \$115,000, subject to satisfactory performance, and adoption of the FY 2011/12 budget, for a total contact amount of \$230,000.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

* **2.10 Mayor Wasserman opened consideration of Adoption of a Resolution to Allow Collection of Affordable Housing Impact Fees and Affordable Housing In-Lieu Fees After Building Permit Issuance but Prior to Any Occupancy and to Establish that the Fee Amount to be Paid is the Amount in Effect at the Time of Building Permit Issuance**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2010-75 in accordance with Sections 8-22174(b) and 8-22177 (f)(2) of the Fremont Municipal Code to allow collection of affordable housing impact and in-lieu fees after building permit issuance, but prior to the date of the final inspection, certificate of occupancy, or for a period of eighteen months after the date of permit issuance, whichever occurs first; and to establish that the fee amount to be paid is the amount in effect at the time of building permit issuance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

*** 2.11 Mayor Wasserman opened consideration of the Development Impact Fee Annual Report for Fiscal Year 2009/10 and Findings Required by the Mitigation Fee Act**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2010-76 to approve the Development Impact Fee Annual Report for Fiscal Year 2009/10, and to make the findings required by the Mitigation Fee Act, as follows:

1. The purpose of the park dedication in lieu fees is for all new residential development to pay for new development's share of the cost of acquiring land for parks in Fremont.
2. The purpose of the park facilities fees is to fund new development's share of the development of new recreational facilities in Fremont.
3. The purpose of the traffic impact fees is to fund new development's share of the development of new traffic improvements in Fremont.
4. The purpose of the fire facilities fees is to fund new development's share of the development of new fire facilities in Fremont.
5. The purpose of the capital facilities fees is to fund new development's share of the development of new capital facilities in Fremont.
6. The reasonable relationship between the park dedication in lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee and the purpose for which they are charged is demonstrated in the Park Dedication in Lieu Fees and Park Facilities Fee Technical Report, Traffic Impact Fee Technical Report, Fire Facilities Technical Report, and Capital Facilities Fee Technical Report, each dated January 2008, and the City Council resolution adopting the fees and the staff report supporting the resolution, all of which are incorporated by reference.
7. The sources and amounts of funding anticipated to complete financing of future park dedication in lieu fee, park facility fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the Five-Year (2009-2014) Capital Improvement Program (CIP), adopted by the Fremont City Council on June 9, 2009.
8. Approximate dates of funding for park dedication in lieu fee, park facilities fee, traffic impact fee, fire facilities fee, and capital facilities fee projects are identified in the Five-Year (2009-2014) Capital Improvement Program (CIP), adopted by the Fremont City Council on June 9, 2009.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

- * **2.12 Mayor Wasserman opened consideration to Authorize the City Manager to Execute an Amendment Increasing the Current Contract with PMC World by \$131,001 to a Total of \$321,000 for Project Management Services Related to the Former NUMMI Property and Surrounding Areas**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or his designee to increase the contract with PMC World by \$131,001, to a total of \$321,000 for project management services related to the former NUMMI property and surrounding areas, and appropriated \$131,001 from unallocated Capital Improvement fund 501 balance to 501PWC8735.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

- * **2.13 Mayor Wasserman opened consideration of Acceptance of a 1.29 Acre Parcel of Land Surrounded by City and East Bay Regional Park District Property on Mission Peak Subject to Approval of Documents by the City Attorney**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council accepted the offer subject to approval of all documents by the City Attorney and authorized the City Manager to execute all implementing documents.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- 3.1 Proclamation: Recognition of Fremont Police Department Three-Year Volunteer CARE Program**

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

John Freeman provided comment related to existing litigation on the Skate Park. Don Brown presented a potential proposed multi-use development idea to the City Council for a parcel of land located on the corner of Warm Springs Boulevard and Grimmer Boulevard.

5. SCHEDULED ITEMS – None.

*Consent Items

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Recommendation of the Transfer and Appropriation of \$300,000 for Construction of a Modular Environmental Education Center in Central Park

Environmental Services Manager Kathy Cote provided an overview of the Stivers Lagoon Field Trip Program. Interim Assistant City Manager/Parks & Recreation Director Annabell Holland reviewed the elements of the proposal and staff's recommendation. Environmental Specialist II Barbara Silva provided an illustration of the Concept Plan. Staff responded to questions from Councilmembers. There were no public speakers.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Supported the construction of a Modular Environmental Education Center in Central Park, at the existing trailer site between gates C and D on the northeast side of the old Swim Lagoon site, (site plan)
2. Approved the transfer \$225,000 from the Recreation Services Operation Improvement Fund 189 to Fund 501 Capital Improvement and appropriate the \$225,000 to 501PWC8744 to complete this project.
3. Appropriated \$75,000 from Urban Runoff Clean Water Fund Balance (Fund 123) to 123PWC 8744 for the construction of a Modular Environmental Education Center in Central Park.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration to Receive Update on South Fremont/Warm Springs Area Studies

Brian Millar (consultant) provided an update on efforts to date, framework for the presentation, an overview of key issues for land use concepts for discussion, and outlined upcoming milestones. Mark Hoffheimer (Perkins & Will) provided an update on project status and schedule and reviewed goals and objectives. Jim Musbach (Economic and Planning Systems) provided a recap on economic study components to date including summary of findings, expert panel feedback, economic team conclusions, and locational needs by land use. Mr. Musbach provided an overview of seven land use categories, special uses and considerations, provided illustrations of three land use concepts, provided an overview of the December 6 community

workshop, and highlighted next steps. The consultants responded to questions from Councilmembers. There were no public speakers. Councilmembers provided comment. No action was taken.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 COUNCIL DISCUSSION: Discussion of Appointment to Vacant City Council Seat; Including Determination of Subsequent Process or Appointment

Mayor Wasserman discussed the selection process and requested Council to each select five applicants. Mayor Wasserman opened the item for public comment. Hiu Ng, Janet Fitzgerald, and Steve Cho expressed support for considering Vinnie Bacon for appointment as the third highest vote getter from the November 2 General Municipal Election. There were no other speakers. Mayor Wasserman closed public comment. Interim Assistant City Manager/Parks & Recreation Director Annabell Holland compiled the data and read individual Council selections for the record as follows:

Wasserman	Chan	Natarajan	Harrison
Bacon, Vinnie			Bacon, Vinnie
Bonaccorsi, David	Bonaccorsi, David	Bonaccorsi, David	Bonaccorsi, David
Chugh, Yogi		Chugh, Yogi	Chugh, Yogi
Dutra, Dominic	Dutra, Dominic	Dutra, Dominic	Dutra, Dominic
Salwan, Raj	Salwan, Raj	Salwan, Raj	Salwan, Raj
	Siddigi, Moina		
	Zlatnik, Judith	Zlatnik, Judith	

Council invited the top 6 applicants (Vinnie Bacon, David Bonaccorsi, Yogi Chugh, Dominic Dutra, Raj Salwan, and Judith Zlatnik) to an interview at a special meeting scheduled for Thursday, December 16, 2010 at 5:30 p.m.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 8:45 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor